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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/631,938	07/31/2003	Timothy A. Timmins	41698.1099	9646

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EXAMINER	
GAUTHIER, GERALD	

ART UNIT	PAPER NUMBER
2645	

DATE MAILED: 09/07/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/631,938	TIMMINS ET AL.	
	Examiner	Art Unit	
	Gerald Gauthier	2645	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *31 July 2003*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-36* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-36* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *31 July 2003* is/are: a)☒ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. **Claim(s) 9-11, 15, 16, 27-29, 33 and 34** are rejected under 35 U.S.C. 102(e) as being anticipated by Raff et al. (US 6,611,849 B1).

Regarding **claim(s) 9 and 27**, Raff discloses a method for synchronizing a data object in at least first and second devices associated with a user through an information service (FIG. 1 and column 1, lines 8-11), comprising:

maintaining by the information service a database associated with the user, the database being accessible to the first and second devices, the first device including therein a first version of the data object, the database containing a second version of the data object (FIG. 7A and column 7, lines 44-55);

receiving from the first device a request for modifying the data object therein (FIG. 7A and column 7, lines 44-55);

according a special status to the first device (FIG. 7A and column 8, lines 6-16);

determining whether the first version of the data object and the second version of the data object are different versions (FIG. 7A and column 8, lines 6-16);

if the first and second versions of the data object are different versions, the method further comprising the following (a) and (b):

(a) providing the second version of the data object to the first device (FIG. 7A and column 8, lines 17-25); and

(b) allowing modification of the second version of the data object in the first device (FIG. 7A and column 8, lines 17-5);

receiving from the first device, which is accorded the special status, information to update the second version of the data object in the database (FIG. 7A and column 8, lines 40-56); and

allowing the second device, which is not accorded the special status, to receive information from the database to revise the data object therein (FIG. 7A and column 8, lines 31-39).

Regarding **claim(s) 10 and 28**, Raff discloses a method wherein the data object is associated with an indicator indicating a version of the data object (column 8, lines 6-16).

Regarding **claim(s) 11 and 29**, Raff discloses a method wherein the indicator includes a version number (column 8, lines 6-16).

Regarding **claim(s) 15 and 33**, Raff discloses a method wherein at least one of the first and second devices includes a PDA (column 8, lines 17-25).

Regarding **claim(s) 16 and 34**, Raff discloses a method wherein at least one of the first and second devices includes a computer (column 7, lines 56-67).

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

4. The factual inquiries set forth in *Graham* **v.** *John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

5. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein

were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

6. **Claim(s) 1-4, 6-8, 19-22 and 24-26** are rejected under 35 U.S.C. 103(a) as being unpatentable over Elliot (US 6243,039 B1) in view of White et al. (US 2005/0096018 A1).

Regarding **claim(s) 1 and 19**, Elliot discloses a method for providing data synchronization through an information service (FIG. 1 and column 1, lines 6-9), comprising:

maintaining by the information service a database associated with a user, the database being accessible to a plurality of devices associated with the user, the plurality of devices including data sources, respectively (FIG. 3 and column 7, lines 51-65);

according a selected one of the plurality of devices a special status in response to a request for modifying a data source in the selected device (FIG. 3 and column 8, lines 26-43); and

allowing, based on the special status, the selected device to upload information to the information to update the database (FIG. 3 and column 8, lines 40-43).

Elliot discloses a plurality of devices but fails to disclose allowing the plurality of devices to download information from the database to revise data elements in the respective data sources thereof.

However, White, in the same field of endeavor, teaches allowing the plurality of devices to download information from the database to revise data elements in the respective data sources thereof (FIG. 4 and paragraph 0085).

Therefore, it would have been obvious to one of the ordinary skill in the art at the time the invention was made to modify the invention of Elliot using the communication engine as taught by White.

This modification of the invention enables the system to allowing the plurality of devices to download information from the database to revise data elements in the respective data sources thereof so that the user friendly would have the opportunity to select audio information for every device associated to the user.

Regarding **claim(s) 2 and 20**, Elliot discloses a method wherein the selected device is provided with a token indicative of the special status (column 7, lines 16-26).

Regarding **claim(s) 3 and 21**, Elliot discloses a method wherein the token has a predetermined bit pattern (column 7, lines 16-26).

Regarding **claim(s) 4 and 22**, Elliot discloses a method wherein the selected device includes a personal information manager (column 7, lines 16-26).

Regarding **claim(s) 6 and 24**, Elliot discloses a method wherein the selected device includes a computer (column 7, lines 16-26).

Regarding **claim(s) 7 and 25**, Elliot discloses a method wherein at least one of the data elements includes appointment information (column 7, lines 16-26).

Regarding **claim(s) 8 and 26**, Elliot discloses a method wherein at least one of the data elements includes contact information (column 7, lines 16-26).

7. **Claim(s) 5 and 23** are rejected under 35 U.S.C. 103(a) as being unpatentable over Elliot in view of White as applied to **claim(s) 1 and 19** above, and further in view of Raff.

Regarding **claim(s) 5 and 23**, Elliot in combination with White as applied to **claim(s) 1 and 19** above differs from **claim(s) 5 and 23** in that it fails to disclose the selected device includes personal digital assistant.

However, Raff teaches a method wherein the selected device includes personal digital assistant (column 8, lines 17-25).

Therefore, it would have been obvious to one of the ordinary skill in the art at the time the invention was made to modify the invention of Elliot in combination with white using the personal digital assistant as taught by Raff.

This modification of the invention enables the system to have the selected device includes personal digital assistant so that the user friendly would have the opportunity to select audio information for every device associated to the user.

8. **Claim(s) 12-14, 17, 18, 30-32, 35 and 36** are rejected under 35 U.S.C. 103(a) as being unpatentable over Raff in view of Elliot.

Regarding **claim(s) 12 and 30**, Raff as applied to **claim(s) 9 and 27** above differs from **claim(s) 12 and 30** in that it fails to disclose the first device is provided with a token indicative of the special status.

However, Elliot teaches a method wherein the first device is provided with a token indicative of the special status (column 7, lines 16-26).

Therefore, it would have been obvious to one of the ordinary skill in the art at the time the invention was made to modify the invention of Raff using the child locator system as taught by Elliot.

This modification of the invention enables the system to have the first device is provided with a token indicative of the special status so that the user friendly would have the opportunity to select audio information for every device associated to the user.

Regarding **claim(s) 13 and 31**, Elliot teaches a method wherein the token has a predetermined bit pattern (column 7, lines 16-26).

Regarding **claim(s) 14 and 32**, Elliot teaches a method wherein at least one of the first and second devices includes a PIM (column 7, lines 16-26).

Regarding **claim(s) 17 and 35**, Elliot teaches a method wherein the data object includes appointment information (column 7, lines 16-26).

Regarding **claim(s) 18 and 36**, Elliot teaches a method wherein the data object includes contact information (column 7, lines 16-26).

Conclusion

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Gerald Gauthier whose telephone number is (571) 272-7539. The examiner can normally be reached on 8:00 AM to 4:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Fan Tsang can be reached on (571) 272-7547. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Gerald Gauthier
GERALD GAUTHIER
PATENT EXAMINER

Gerald Gauthier
Examiner
Art Unit 2645

g.g.
August 31, 2005